

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Claim Rejections - 35 USC § 101

Claim 41 stands rejected under 35 USC §101 because the claimed invention is allegedly drawn to non-statutory subject matter. Specifically, the Examiner contends that because the claim is not drawn to a “computer readable medium”, the claim is drawn to functional descriptive material. While applicants respectfully disagree with the Examiner’s rejection (the phrase “machine readable medium” is understood as an alternate form of the phrase “computer readable medium”), in the interest of advancing prosecution, claim 41 has been amended to recite a “computer readable medium”.

Since the above amendment does not raise any new issues and renders moot the instant rejection, entry of the amendment and withdrawal of the rejection of claim 41 is respectfully requested.

Claim Rejections - 35 USC § 102 and § 103

Claims 1-5, 7-11, 13-21, 23-38 and 41 stand rejected under 35 USC §102(e) as being anticipated by *Allen et al.* (U.S. 7,305,331). Claims 6, 12 and 22 stand rejected under 35 USC §103(a) as being unpatentable over *Allen* in view of *Bard* (U.S. 6,210,967), *Le Pennec et al.* (U.S. 6,836,569), and/or *Priem* (U.S. 5,003,497). Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 1 recites a computer-implemented method of dynamically modeling and displaying a passage of material or information between at least two spatially distributed objects in a body. The method includes:

- a) creating a first data set of entities between which material or information is transferred;
- b) creating a second data set of channels connecting the entities;
- c) creating a third data set of types of material or information that each entity transfers via each channel;
- d) creating a dynamic map that includes a list of active entities, wherein the dynamic map is communicatively coupled to the active entities so as to provide information thereto; and

e) using the dynamic map in conjunction with the first, second, and third data sets to perform a simulation of the transfer of material or information between entities.

In rejecting claim 1, the Examiner alleges the following:

a') the "elements" as recited in column 3, line 47 teaches the first data set of entities;

b') the "pathways" as recited in column 3, line 46 teaches the second data set of channels;

c') the "physical interaction" as recited at column 3, line 46 teaches the third data set of types of materials;

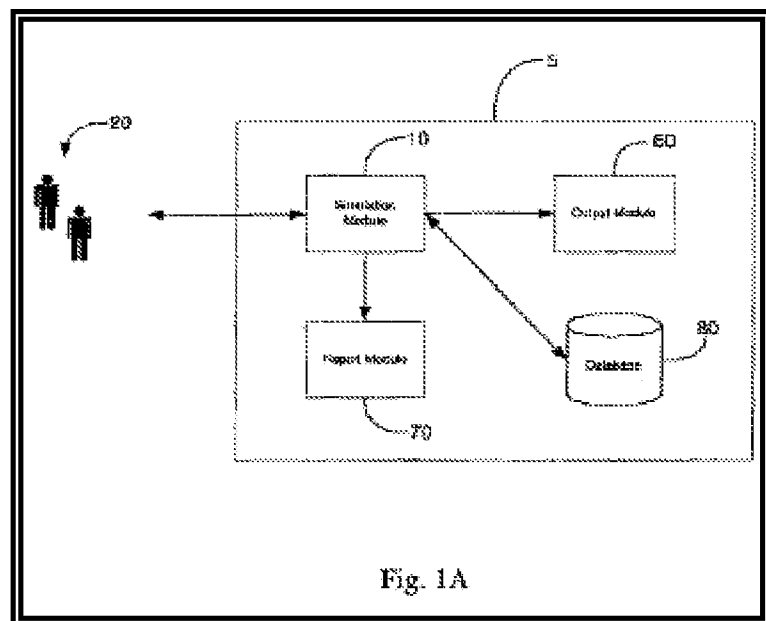
d') the "dynamic pathway" as shown in Fig. 15 teaches the dynamic map; and

e') Fig. 1A teaches using the dynamic map in conjunction with first, second and third data sets to perform a simulation.

Applicants respectfully disagree with the Examiner's above interpretation of *Allen*. In particular, Fig. 1A of *Allen*, which is reproduced below, is a high level block diagram that shows the major modules of the system

described therein, one of which is a simulation module 10. On its face, Fig. 1A says ***nothing*** with respect to using the "elements", "pathways", "physical interaction" ***and*** "dynamic pathway" to perform a simulation. Fig. 1A simply shows that a simulation module is present in the system of *Allen*, and that the simulation module interfaces with a report module, a database and an output module.

Other than Fig. 1A, the Examiner does not identify other parts of *Allen* that teach a simulation as recited above.



Moreover, the undersigned reviewed *Allen* and could not find any teaching that the simulation module 10 of Fig. 1A performs a simulation using the "elements", "pathways", "physical interaction" ***and*** "dynamic pathway" as alleged by the Examiner.

As is evident from the above, *Allen* simply has not been shown to teach all the features of claim 1 and, therefore, *Allen* cannot anticipate claim 1. Further, the remaining art to *Le Pennec* and *Priem* has not been found to make up for the deficiencies of *Allen* and, thus, claim 1 also has not been shown to be obvious in view of *Allen*, *Le Pennec* and *Priem*. Accordingly, the rejection of claim 1 must be withdrawn. Similar comments apply to claim 41 and, thus, the rejection of claim 1 also must be withdrawn.

Accordingly, withdrawal of the rejection of claims 2-38 is respectfully requested.

In view of the foregoing, request is made for timely issuance of a notice of allowance.

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